

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 11 - 20 are pending in the application. Claims 11 - 17 and 19 - 20 currently stand rejected; and claim 18 stands objected to.

By the present amendment, claim 20 has been amended.

In the office action mailed July 17, 2008, claim 20 was rejected under 35 U.S.C. 112, second paragraph; and claims 11 - 17 and 19 - 20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,175,434 to Hurley.

The foregoing rejections are traversed by the instant response.

By the present amendment, claim 20 has been amended to say that each speaker transmits sounds with a frequency greater than about 4 kHz. There is nothing indefinite about amended claim 20. The use of the words "greater" and "about" are so well established in U.S. patent cases that one of ordinary skill in the art would be reasonably apprised of the scope of the invention.

With respect to the rejection of claim 11 on anticipation grounds, it is well settled law that in order to anticipate a claim, a single reference describe the claimed invention with sufficient precision and detail to establish that the subject matter existed in the prior art. See *In re Spada*, 911 F.2d 705, 708 (Fed. Cir. 1990). The dispositive question regarding anticipation is whether one skilled in the art would reasonably understand or infer from the prior art reference's teaching that every claim limitation was described in that single reference. See *Akamai Technologies, Inc. v. Cable & Wireless Internet*

Services Inc., 344 F.2d 1186, 1192 (Fed. Cir. 2003). To establish anticipation, it must be shown that a single prior art reference describes each and every limitation of a claimed invention. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 947 (1987). The description in the reference may be either express or inherent. See *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987). The absence from the reference of any claim limitation negates anticipation. See *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986).

Claim 11 is directed to a system for the projection of cinematographic works or digital works with sound with at least one sound channel, comprising a screen and, for the at least one sound channel, at least one woofer and at least one medium/treble speaker, said system further comprising the screen being a non-perforated screen; the at least one medium/treble speaker comprising a flat sound transducer placed against the screen to a rear thereof in relation to a direction of projection; and an extreme treble speaker being disposed on a periphery of the screen.

The Hurley patent being relied upon by the Examiner teaches a system for the projection of cinematographic works or digital works with sound (col. 1, lines 1 - 3) with at least one sound channel, comprising a screen (16) being a non perforated screen, a low frequency tones speaker (56) being placed against the screen (16) to a rear thereof in relation to a direction of projection, and a high frequency tones speaker (60) being disposed on a periphery of the screen.

Referring to FIG. 4, the screen (16) comprises speakers (18,44,46,48) intended predominantly for the reproduction of

high frequency tones and speakers (50, 52) intended predominantly for the reproduction of low frequency tones. These speakers may be distributed on the screen in any desired manner.

Referring to Fig. 5, the speakers 56 - being predominantly for the reproduction of low frequency tones - are still on the screen (54). The speaker (60) - intended predominantly for the reproduction of high frequency tones - is provided behind a perforated mask (54) in the periphery of the screen (54).

Embodiments of Hurley deal only with two types of speakers; those for low frequency tones and those for high frequency tones. Thus, this patent teaches that only treble speakers and woofers are sufficient. Thus, there is no guidance for dividing the speaker structure into three types of speakers according to claim 1: extreme treble speaker, medium/treble speaker and woofer.

In addition, if the skilled person in the art, starting from Hurley and trying to improve the accuracy of sound reproduction changes a treble speaker of embodiments of Hurley according to Fig. 4 or Fig. 5 into a medium speaker, he will not obtain the subject matter of claim 1 for the following reasons. Indeed, if the skilled person would try to divide the speaker structure into three types of speakers, he will add a medium speaker. In this way, the division will be such: treble speaker, medium speaker, and woofer. According to the specification in the instant application, it should be understood that the woofer is able to produce sounds with a frequency that is lower than around 500 Hz, the medium/treble speaker is able to produce sounds in a range of around 500 Hz to 4kHz and the extreme treble speaker is able to produce sounds with a frequency that is higher than around 4 kHz. It should be

noted that Hurley is silent towards the cut frequencies of high and low frequency tones that are reproduced by the speakers. Moreover, the skilled person in the art will not find any motivation to combine embodiments of Fig. 4 and Fig. 5 to obtain the subject matter of claim 1, since these embodiments only differ by the position of a treble speaker. No link exists to go from one embodiment to the other. To the contrary, those two embodiments represent two strictly alternative solutions. Furthermore, the addition of Fig. 4 and Fig. 5 embodiments leads to putting a treble speaker on the periphery of the screen and another treble speaker on the screen. Thus, he will not find where a medium/treble speaker and an extreme treble speaker should be disposed regarding the screen and its periphery in order to improve accuracy of sound reproduction. Yet the coupling of treble and medium in a single speaker is an essential part of the invention as claimed, since these frequencies provide information concerning the localization of the sound. That is why it is placed against the screen to the rear thereof in relation to the direction of projection. The skilled person in the art will not find any guidance to couple medium and treble into a speaker placed behind the screen in order to improve accuracy of sound reproduction.

For these reasons, claim 11 is not anticipated by Hurley and is allowable.

Claims 12 - 17 and 19 - 20 are allowable for the same reasons as claim 11 as well as on their own accord.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an amendment is needed to place the case in condition for allowance, he is hereby invited to

contact Applicant's attorney at the telephone number listed below.

A request for a two month extension of time is enclosed. The Director is hereby authorized to charge the two month extension of time fee in the amount of \$490.00 to Deposit Account No. 02-0184.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to said Deposit Account No. 02-0184.

Respectfully submitted,

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